

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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EVERETT BLOOM, *et al.*,  
 Plaintiffs,  
 v.  
 ZUFFA, LLC, *et al.*,  
 Defendants.

Case No. 2:22-cv-00412-RFB-BNW

**ORDER**

Before the Court is Defendant Zuffa LLC's Motion to Seal (ECF No. 88) seeking to redact certain portions of the Reply to its Motion to Compel Dave Lindholm and Jack Graham to Produce Additional Documents and Interrogatory Responses.<sup>1</sup> ECF No. 88. Plaintiffs need not respond to this Motion. This Court applies the case law below to each of the motions addressed in this order.

**I. Standard for Sealing Documents**

Generally, the public has a right to inspect and copy judicial records. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Such records are presumptively publicly accessible. *Id.* Consequently, a party seeking to seal a judicial record bears the burden of overcoming this strong presumption. *Id.* In the case of dispositive motions, the party seeking to seal the record must articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process. *Id.* at 1178-79 (alteration and internal quotation marks and citations omitted). The Ninth Circuit has further held that the full presumption of public access applies to technically non-dispositive motions and attached documents as well if the motion is "more than tangentially related to the merits of the case." *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016).

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<sup>1</sup> The sealed and unredacted version of the reply is filed at ECF No. 89.

1 Among the compelling reasons which may justify sealing a record are when such court  
2 files might have become a vehicle for improper purposes, such as the use of records to gratify  
3 private spite, promote public scandal, circulate libelous statements, or release trade secrets.  
4 *Kamakana*, 447 F.3d at 1179 (quotation omitted). However, avoiding a litigant's embarrassment,  
5 incrimination, or exposure to further litigation will not, without more, compel the court to seal its  
6 records. *Id.*

7 "[A] different standard applies to 'private materials unearthed during discovery,' as such  
8 documents are not part of the judicial record." *Pintos*, 605 F.3d at 678 (citing *Kamakana*, 447  
9 F.3d at 1180). Under Rule 26(c), a court may enter a protective order "to protect a party or person  
10 from annoyance, embarrassment, oppression, or undue burden or expense." "The relevant  
11 standard for purposes of Rule 26(c) is whether good cause exists to protect the information from  
12 being disclosed to the public by balancing the needs for discovery against the need for  
13 confidentiality." *Pintos*, 605 F.3d at 678 (quotation omitted). Given the "weaker public interest in  
14 nondispositive materials," the court applies the good cause standard in evaluating whether to seal  
15 documents attached to a nondispositive motion. *Id.* "Nondispositive motions 'are often unrelated,  
16 or only tangentially related, to the underlying cause of action,' and, as a result, the public's  
17 interest in accessing dispositive materials does 'not apply with equal force' to non-dispositive  
18 materials." *Id.* (citing *Kamakana*, 447 F.3d at 1179). It is within the court's discretion whether to  
19 seal documents. *Id.* at 679.

## 20 **II. Analysis**

### 21 **A. No good cause has been shown to redact Defendant Zuffa's reply**

22 Defendant Zuffa explains the information sought to be redacted is based on information  
23 provided by third party Meta. Meta has designated the information in question as highly  
24 confidential. Based on this, and out of an abundance of caution, Defendant Zuffa filed the  
25 unredacted version of the reply under seal.

26 Because the reply relates to a matter that is not dispositive or more than tangentially  
27 related to the merits of the case, the Court applies the good cause standard. *Ctr. for Auto Safety*,  
28 809 F.3d at 1099.

1 The court notes that stipulated protective orders alone do not justify sealing court records.  
2 See, e.g., *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133 (9th Cir. 2003) (noting  
3 that reliance on a blanket protective order, without more, will not make a showing of good cause);  
4 *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 475–76 (9th Cir. 1992) (explaining that  
5 blanket stipulated protective orders are over inclusive by nature and do not include a finding of  
6 “good cause”). Blanket protective orders are designed to facilitate discovery exchanges; they do  
7 not provide a finding that any specific documents are secret or confidential to overcome the  
8 presumption of public access. *Kamakana*, 447 F.3d at 1183 (addressing the “the hazard of  
9 stipulated protective orders,” and noting they often “purport to put the entire litigation under lock  
10 and key without regard to the actual requirements of Rule 26(c)”). As a result, Defendant Zuffa’s  
11 motion at ECF No. 88 is denied.

### 12 **III. CONCLUSION**

13 **IT IS THEREFORE ORDERED** that Defendant Zuffa’s Motion to Seal (ECF No. 88)  
14 is **DENIED**.

15 **IT IS FURTHER ORDERED** that Meta shall have 30 days from today to file a motion  
16 providing good cause for the need to seal or redact Defendant Zuffa’s Reply to its Motion to  
17 Compel Dave Lindholm and Jack Graham to Produce Additional Documents and Interrogatory  
18 Responses. The Clerk of Court is directed to maintain ECF No. 89 under seal for the next 30  
19 days. Failure by Meta to file the appropriate motion within 30 days of this Order may result in the  
20 unsealing of Defendant Zuffa’s Reply to its Motion to Compel Dave Lindholm and Jack Graham  
21 to Produce Additional Documents and Interrogatory Responses.

22 **IT IS FURTHER ORDERED** that Defendant Zuffa shall serve this Order on Meta  
23 within 5 days of its entry.

24 DATED: September 20, 2023.



25  
26 BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE